

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

MAR 12 2015

Clerk of Court

United States of America
v.
Alvaro OSORIO-Huereca; MX; YOB: 1967

Case No. M-15-0365-M

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 03/11/2015 in the county of Hidalgo in the Southern District of Texas, the defendant violated 21 U. S. C. § 841(a)(1) and 846, an offense described as follows:

Knowingly and intentionally possess with intent to distribute approximately 6.12 kilograms of heroin, a Schedule II controlled substance, and did knowingly and intentionally conspire to possess with intent to distribute 6.12 kilograms of methamphetamine, a Schedule II controlled substance.

This criminal complaint is based on these facts:

On March ^{AD} 11, 2015, at approximately 4:00p.m., Alvaro OSORIO-Huereca, driver, attempted to make entry into the United States from Mexico through the Hidalgo, Texas Port of Entry in a 2005 gold Nissan Sentra displaying Mexican license plate XJJ9496.

Continued on the attached sheet.

Approved
Joseph Leonal

S+P

Complainant's signature

Antonio Perez IV, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/12/2015

Dorina Ramos

Judge's signature

City and state: McAllen, Texas

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

On March 11, 2015, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) in McAllen, Texas received a duty call from the U.S. Customs and Border Protection, Office of Fields Operations (CBP/OFO) at the Hidalgo, Texas Port of Entry. Alvaro OSORIO-Huereca attempted to enter the United States from the United Mexican States with 6.12 kilograms of heroin concealed underneath the dash of his 2005 gold Nissan Sentra.

On March 11, 2015, a 2005 gold Nissan Sentra displaying Mexican licensed plates XJJ9496 arrived at an inspection lane at the Hidalgo Port of Entry which was manned by CBP Officer (CBPO) M. Corona. CBPO Corona obtained a negative declaration from the OSORIO. During the primary inspection CBPO Corona noticed OSORIO appeared nervous and referred him to secondary for further inspection.

At secondary CBPO O. Bejar obtained a second negative declaration from OSORIO. CBPO R. De La Rosa conducted a non-intrusive inspection of the vehicle utilizing the VACIS (X-ray) system. CBPO R. De La Rosa observed an anomaly in the dashboard area of the vehicle. CBP K-9 Officer R. Olivares and his K-9, Hyro, arrived at secondary to perform an inspection of the vehicle. CBPO R. Olivares informed CBPO Corona that his K-9 Hyro had alerted to the dash board area of the vehicle. A further inspection resulted in the discovery of packages behind the vehicle's dash board. A field test revealed that the substance inside the packages and was a positive match for heroin. HSI Special Agent (SA) A. Perez advised CBPO officers to remove the contraband from the vehicle seats which resulted in 3 packages of cocaine weighing 6.12 kilograms as per the CBP scale.

SA A. Perez and CBPO T. Gonzalez conducted an interview with OSORIO. SA A. Perez read OSORIO his Miranda rights as witnessed by T. Gonzalez. OSORIO stated he understood his rights and requested an attorney. OSORIO was advised heroin had been located in his vehicle and the interview was terminated. OSORIO was placed in a holding cell.

After the interview SA A. Perez took a photo of OSORIO for evidence. At that time OSORIO stated he was ready to waive his right to an attorney and requested to speak to SA A. Perez. SA A. Perez reminded OSORIO of his Miranda rights as witnessed by T. Gonzalez. OSORIO stated he understood his rights and voluntarily waived them.

OSORIO admitted he had lied to CBPO's about his intended destination. OSORIO claimed he had been hired to take the vehicle to New York for a person he recently met in Toluca, Mexico. OSORIO stated he had been instructed by the man in Toluca, Mexico to lie to CBPO's about his destination. OSORIO claimed he did not have knowledge about the heroin located in his vehicle. OSORIO stated his wife and family members had expressed their concerns that the vehicle may contain narcotics. OSORIO stated he decided to bring the vehicle into the United States because he needed the money.

SA A. Perez notified Assistant United States Attorney (AUSA) K. Rees of the seizure and interview. AUSA K. Rees accepted prosecution on OSORIO.